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On 8 June 1967 the *U.S.S. Liberty*, a U.S. Navy signal intercept ship cruising in international waters off the coast of the Sinai Peninsula, took fire from Israeli warplanes and torpedo boats. The attack occurred midway through what would become known as the Six Day War, at a point when Israel had pushed deep into the Sinai, and resulted in over 100 American casualties including 34 dead.

It also raised plenty of questions. *Liberty* survivors and others have disputed the conclusions that the attack was an accident, as Israel has held,[1] or at worst an act of gross negligence, as a recently released U.S. report indicates.[2] Theories abound claiming that Israel intended to target the *Liberty*, either to draw the United States into the war by sinking her and laying blame on the United Arab Republic, or to prevent the interception of Israeli communications.

In response to a Freedom of Information Act (FOIA) request in July 2003, the National Security Agency (NSA) released a handful of declassified documents pertaining to the incident.[3] Most prominent among these documents are approximately 59 minutes of transmissions, in the form of audio recordings and accompanying English transcripts, between a ground controller near Tel Aviv and two Israeli rescue helicopters dispatched after the attack. These are said to be the only audio captured in the period immediately before, during or after the attack. Also released were two reports published the day after the incident summarizing the pertinent sections of the audio, and a 1981 internal NSA report discussing in detail the attack, Israel's findings from its own investigation, the conclusions reached by the NSA, and lessons learned by the intelligence community for protecting assets in danger zones.[4]

The problem with conspiracy theories is that they exist very comfortably in a vacuum — the less information one way or the other, the better — and the NSA documents leave some gaps in the information. Two isolated sections of the transcripts — one indicating the Israelis may have had advance knowledge of the nationality of those aboard the ship, the other raising questions over whether the fighter pilots really could not see the American flag the *Liberty* crew says they were flying — have sparked fresh attacks from critics and have received most of the (limited) coverage in the mainstream press.[5] One other section, concerning the mistaken identification of the *Liberty* as an Egyptian cargo ship, contradicts the 1981 report, thereby raising more questions.

The analysis below draws primarily on those sections of the audio, suggests a few alternative explanations based on the 1981 report and other sources, and tries to sum up the state of the evidence provided in the documents.

"If they speak English…"

Just after 1200Z on 8 June, Israeli fighters strafed the *Liberty*, followed 15 minutes later by torpedoes from the Israeli Navy. No recordings or transcripts of communication before or during the attack have been released, if they exist at all. The NSA audio files pick up at 1229Z with the dispatch of the helicopters. At approximately 1234Z, within five minutes of liftoff and well before they had reached the smoking ship, the Israeli helicopter pilots were informed the ship was identified as Egyptian and were instructed to turn back.

PAY ATTN: THE SHIP HAS NOW BEEN IDENTIFIED
AS AN EGYPTIAN SHIP. YOU ARE RETURNING HOME.

"Pay attention: the ship has now been identified as an Egyptian ship. You are returning home." [6]

Three minutes later, after the controller is in contact with superiors (judging from the spans of radio silence), the helicopters were sent out once again to look for survivors. Shortly thereafter came an additional clarification: the ship was an Egyptian cargo vessel.

These two declarations of the ship's identity are suddenly undermined at 1259Z, with the choppers still en route, when the controller gave very specific instructions to the pilots to learn the nationality of the first survivor pulled from the water, followed a few minutes later by further instructions — bring survivors to different locations depending on the language they spoke:

AS SOON AS YOU BEGIN PICKING UP MEN, FIND OUT
FROM THE FIRST MAN THAT YOU PICK UP WHAT HIS
NATIONALITY IS, AND REPORT IT TO US RIGHT AWAY,
IT'S IMPORTANT THAT ((WE)) KNOW.

"As soon as you begin picking up men, find out from the first man that you pick up what his nationality is, and report it to us right away.
It is important that ((we)) know." [7]

PAY ATTN: THOSE WHO SPEAK... IF THEY SPEAK ARABIC,
EGYPTIANS, YOU'RE TAKING THEM TO AL-'ARISH. IF THEY
SPEAK ENGLISH, NON-EGYPTIANS, YOU'RE TAKING THEM
TO LOD. IS THAT CLEAR?

"Pay attention: Those who speak… if they speak Arabic, Egyptians, you're taking them to Al-'Arish. If they speak English, non-Egyptians, you're taking them to Lod. Is that clear?" [8]

Israel might be expected to separate combatants based on their nationality, but the fact that the dispatcher specifically indicated English-speakers is of great interest. While it is true that many Arabs involved in the war — from Jordan, from Kuwait, from Egypt — understand or even speak English, it is highly doubtful that the controller was indicating the pilots might find other Arabs. If non-Egyptian Arabs were on-board, why would they speak English if captured by the Israelis?

This order from ground control is at the heart of many critics' belief that the true and entire story of the *Liberty* has not been revealed. The statement indicates that the Israelis knew they might find Americans, not Arabs, at the wreckage site, leading to the assumption that Israel knew before this point that it had hit a non-Egyptian vessel. This is probably true but, given the small slice of the scene available through these documents, we cannot say *how* far in advance this was known or *which* Israeli authorities knew the identity of the American ship.

All that we can say for sure is that the Israeli military operators were confused. Several reports at the time indicate the Israelis were figuring out their mistake as the helicopters were approaching the wreck — as Roman characters became visible on the ships' bow, or as a torpedo boat crew sighted a life vest inscribed with "U.S. Navy" shortly after the torpedoes struck.[9] The ground controller's initial declaration that it was an Egyptian cargo ship was straightforward and emotionless while later broadcasts became more strained: possibly the controller began to suspect an unanticipated problem based on the conflicting information he was being told to pass along.[10]

Raise what's left of the flag for me

The second major point of contention in these intercepts involves the American flag flying from the *Liberty*'s mast. The pilots and boat crews that attacked the *Liberty* all testified repeatedly that they could not see the flag, hence their tragic mistake. The U.S. Navy meanwhile claims the flag was always flying from the mast, although they concede it might have been difficult for the Israeli torpedo crews to observe it through the smoke from the air attack.
But what of the planes that fired those initial salvos? The first reports indicated that the planes did not circle or otherwise perform observation runs before strafing the *Liberty*. A U.S. seaman wounded in the attack echoed this position, stating the planes came upon the ship and started firing so quickly that they took the crew completely by surprise.[11] However, these first reports were contradicted by the commander of the *Liberty* and an Israeli sailor aboard one of the torpedo boats, among others.[12] Both said the planes circled several times before opening fire and this is the version included in all official accounts of the incident, both Israeli and American.[13]

The weather on 8 June was clear, the *Liberty*'s own weather log indicates the flag was flying,[14] and we know the first chopper pilot on the scene was able to see the ensign. While his initial transmission apparently was radioed back on an alternate channel, the NSA files do capture the ground control response at 1312Z:

> "Roger, understand. Did you clearly identify an America flag?
> …
> They request that you make another pass and check once again
> whether it is really an American flag."[15]

The fighter pilots would appear to be lying. Yet the plot grows still thicker: The Israeli sailor noted above reported the helicopter pilot as saying to the torpedo boat crews: "they are *raising* an American flag," (emphasis added) indicating it was not being flown prior to the chopper's

arrival.[16] But this statement is far from conclusive since, in addition to it being hearsay, the *Liberty* crew reported seeing their flag shot down during the attack and, at first opportunity, ran the "holiday ensign" — the largest flag aboard — up the mast.[17]
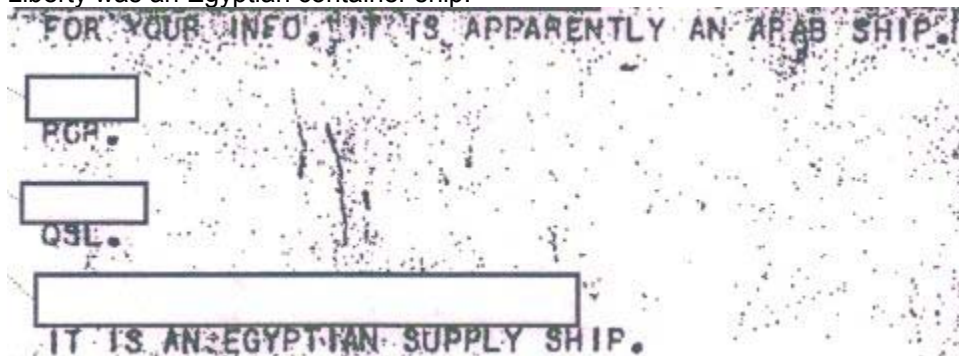
The *El-Kasir*

Despite early media accounts that the Liberty bore an unfortunate resemblance to an Egyptian cargo vessel, the El-Kasir, the 1981 report indicates much greater differences between the two ships:

> (G)— The final error was the identification of the *Liberty* as the Egyptian supply ship *El-Kasir*. The fact that two separate torpedo boat commanders made the same false identification only raises the question of the veracity of both commanders. The *El-Kasir* was approximately one-quarter of the *Liberty*'s tonnage, about one-half its length, and offered a radically different silhouette. To claim that the *Liberty* closely resembled the *El-Kasir* was most illogical.

"The El-Kasir was approximately one-quarter of the Liberty's tonnage, about one-half its length, and offered a radically different silhouette."[18]

The supposed similarity in color, silhouette, and other features was a major piece of evidence for the Israelis. Two different commanders attached to the torpedo boats reportedly came to independent identifications of the Liberty as the El-Kasir, thereby giving some justification to their hasty actions. These identifications almost certainly were behind ground control's declarations that the Liberty was an Egyptian container ship.

> FOR YOUR INFO, IT IS APPARENTLY AN ARAB SHIP.
>
> RGR.
>
> QSL.
>
> IT IS AN EGYPTIAN SUPPLY SHIP.

"For your information, it is apparently an Arab ship…it is an Egyptian supply ship."[19]

The case for error

None of the three questionable sections above makes a substantive case for malicious intent on the part of the Israelis, although in re-reading them this author must admit to some increased suspicion. If anything, the transcripts make a case for innocuous error, not malicious intent: nothing particularly surprising is heard, and the voices of all involved indicate they are reacting to changing information rather than following a pre-arraigned plan.[20]

The Israeli inquiry at the time found no reasons to charge any Israelis with negligence in the attack, heaping on a number of reasons why the tragic error occurred. The key word would be tragic: the Israelis saw the attack as stemming from a series of missteps and unfortunate confusion that could not have been avoided.[21]

The 1981 NSA report is less charitable, taking the same arguments for error — the confusion onshore by Israeli troops who thought they were being shelled from the sea; the failure of the *Liberty* to identify itself after the initial air attack; etc. — and concluding that the inquiry "reveal[ed] egregious errors in both command judgments and operational procedures."[22] At the same time,

the report concludes by acknowledging the possible motivations for a purposeful Israeli strike against a U.S. ship, and then writes them off as unfounded and unsupported by the signal data available.

> *Finding:* To the examining judge, there was no doubt that the dominant *factors* in the initial attack decision were the speed and course of the target. Those in command were entitled to assume that the reported speed (28 knots) of the ship was correct, within the usual limits of reasonable error of 10-15 percent, relying upon the existing means of determining the speed of the target. It was, therefore, concluded that this was a military vessel, and since the *Liberty* was classed as a cargo ship, there was no reason for surmising, in view of the speed, that the target could possibly be the ship, *Liberty*. If one adds to this other factors such as the report of the shelling of the Al 'Arish coast for hours on end, the ship's course toward Port Said, the aircraft report that the target was a warship and carried no naval or other identification marks, and the ship's location close to shore in a battle zone, the cumulative effect negates any presumption whatsoever of a connection between the American supply ship and the target discovered by the torpedo boats. Thus, the examining judge concluded that the assumption it was an enemy ship was reasonable and that the order given to the aircraft to attack was justified.

The section above is found in the Gerhard and Millington report and is taken verbatim from Israel's initial inquiry. The Israelis found no on to be at fault in the matter for reasons including those summarized in this excerpt.[23]

Conclusions

Of the three issues raised by the audio transcripts — the nationalities of survivors, the position of the *Liberty*'s flag, and the *Liberty*'s supposed similarity to an Egyptian cargo ship — the jumble of flag positions (up, down, or on its way up) is perhaps the least settled aspect of the incident. The main question is whether or not the Israeli jets could or did see the flag when they circled the *Liberty*. All the evidence that the flag was flying comes from U.S. reports, while everything that might lead us to believe the flag was either not flying or just not visible (this was a smaller flag than the one run up late in the attack, and we have no clear record of whether the wind was blowing at the time of attack) comes from the Israelis. This is not an issue that can be resolved even with the newly declassified information at hand.

It is also not certain what the statements about bringing English-speaking survivors to Lod suggest. Perhaps all they indicate is that there was some reason to suspect the ship carried Westerners prior to the helicopters' arrival at the scene. Whether that reason was present ten minutes or a day ahead of the transmission cannot be determined. However, the related reports of Israelis holding their fire mid-attack, likely in reaction to viewing the Roman characters on the ship's side and the U.S. Navy flotsam reported at the scene, lends more credence to the former.

The *El-Kasir* confusion is more difficult to sort out. Despite the flat dismissal in the 1981 NSA report, the two ships do bear some resemblance, mostly in that their towers are located mid-ship and both have a plentitude of aerials, winches and other tall, slender devices protruding from both decks. It is possible, although unlikely given the clear afternoon on which the attack occurred, that the ships could be mistaken for one another from a distance. Removing this piece of evidence from the puzzle, however, does not leave us with a strong case for an intentional Israeli attack. Its inclusion increases the credibility through circumstance, not hard evidence. Moreover the excuse

"we thought it was another ship we knew was in the area," sounds like the sort of thing produced by the military as a cover story when a mistake has been made — similar to the highly transparent statements that the Liberty was not spying on anyone.[24]

Other signal intelligence gathered on 8 June, but processed days later, did not reveal anything about a forthcoming attack. In fact, despite identifying and occasionally monitoring 22 different frequencies used by the Israelis in the day leading up to the attack, there was no indication that something was afoot.[25] This, along with the alternate explanations and/or lack of consensus for the suspicious sections above, leads to three possible conclusions:

1. The attack on the *Liberty* unfolded as described in Israeli and U.S. reports, with mistakes and zeal leading to tragedy.
2. If there is more to this story, it cannot be found in the material declassified by the NSA. Anything further would have to exist in Israeli records, including the confidential statements made to the State Department in the days following the attack, or in recordings or transcripts — if they exist — of alternative communication frequencies of which U.S. signal intelligence was unaware or unable to decode.
3. Related to this second possibility: the Israelis managed to pull off one of the better conspiracies in modern times, successfully orchestrating dozens of officers and probably hundreds of enlisted men in a silent plan, and then had absolutely no one spill the beans.

Of these, the first explanation seems most plausible. As described above, most of the "facts" in this case could be argued either way. The Israelis were negligent or overzealous to be sure, but to prove anything more requires leaps of faith and a deep cynicism in the official reports from all sides. It is also susceptible to basic questions about Israeli motivations. Why, if the Israelis intent was to get rid of a spying vessel or drag the United States into the war, did they not finish sinking the ship? Why did they not only hold their fire, but also offer help afterwards?[26]

The NSA releases, despite covering an entire 59 minutes, provide an incomplete picture of the attack. There are no transcripts or recordings of any communications before or during the attack and nothing from the Israeli boats at the scene. Furthermore, sections of these declassified documents are scrubbed, whited out in the transcripts and deleted from the audio. Some of these deletions seem to be references to communication channel numbers and other data that should remain classified, but at points entire paragraphs are missing.

None of this is intended to imply dirty-dealings on the part of any of the parties involved. Even if the transcripts were complete, or more extensive, it is quite possible that they would not reveal much more of interest. One would not expect two rescue pilots and a ground controller to be involved in, or even aware of, any plans to purposely strike a U.S. ship. In fact, we can infer that those Israelis who are caught on the NSA intercepts were most definitely out of the loop. As the helicopters were heading out, ground control contacted other forces, probably the torpedo boats on scene or a commander, and received confirmation that the ship was not firing back and did not fire when fired upon — an indication that it was safe for the helicopters to proceed.[27] Yet reports from the U.S. and Israeli Navies specifically note the *Liberty* firing at least at the torpedoes launched against her, if not at the torpedo boats themselves.[28]

The newly declassified records reveal confusion on the part of all involved as to the nationality of the vessel, and far too much carelessness on the part of the Israeli military. However, like the absence of records from the Tokyo war crimes trials and the sealed JFK files, a paucity of evidence is fertile ground for supposition and conspiracy theories. The lack of facts becomes the facts themselves. Supporters of the official conclusions, that the attack was accidental, will find nothing in the newly released information to counter their belief. Conspiracy theorists should look elsewhere for less flimsy threads upon which to hang their arguments.

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References

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1. John E. Borne "Two Accounts of the Attack," accessed 16 February 2004. The Israeli accounting is summarized in chapter three of William D. Gerhard and Henry W. Millington's "Attack on a Sigint Collector, the U.S.S. Liberty" National Security Agency/Central Security Service, 1981. This report is an excellent compliment to the audio files, adding context through interviews and other sources. Ironically, this document from the agency charged with collecting and analyzing most signal intelligence reveals just how little signal intelligence can help shed light on the Liberty attack.
2. Gerhard and Millington: 40-1
3. David Ensor "USS Liberty attack tapes released," accessed 22 February 2004.
4. All transcripts, audio files and reports released by the NSA in July 2003 can be found at http://www.nsa.gov/liberty/index.cfm. The 1981 report is also noteworthy for acknowledging the true role of the *Liberty*. For a long time the U.S. government held that *Liberty* was aiding in U.S. communication efforts to ensure the safety of American citizens in the area. Department of Defense (DoD) spokespeople at the time of the incident refused to do more than confirm that a ship like the *Liberty* in a place like where it was attacked would have been in very good position to spy on Egyptian and Israeli transmissions. U.S. officials categorically denied the ship was actually engaged in such activity.
5. See, for example, Ensor and "World Briefing: Middle East: Israel: New Details On 1967 Attack," *New York Times* 10 July 2003: A6. Most news agencies did not report at all on the FOIA request.
6. National Security Agency (NSA), transcript, 8 June 1967 — 1229Z-1244Z: 3.
7. NSA, transcript, 8 June 1967 — 1247Z-1319Z: 4.
8. Op cit., 7. Al-'Arish is in the Sinai whereas Lod was further from the front. This decision could reflect the location of translators.
9. Micha Limor, "Israeli Navy Man Describes Attack on the Liberty," *New York Times*, 7 July 1967: 3.
10. Maya Levy, email to author, 26 February 2004.
11. William Beecher, "U.S. Investigating Attack on Vessel." *New York Times* 10 June 1967: 14.
12. Neil Sheehan, "Order Didn't Get to U.S.S. Liberty," *New York Times*, 29 June 1967; Limor, 7 July 1967.
13. Gerhard and Millington, chapters 4 and 5.
14. Gerhard and Millington, 25.
15. NSA, transcript, 8 June 1967 — 1247Z-1319Z: 8.
16. Limor
17. Gerhard and Millington, 28.
18. Op cit., 41
19. NSA, transcript, 8 June 1967 — 1229Z-1244Z: 6.
20. Levy.
21. Gerhard and Millington, chapter 4.
22. Op cit., 40.
23. Op cit., 39.
24. Admittedly, such a cover story could be an attempt to hide malicious intent. If there had been a plot to target the liberty, however, why would the Israelis have settled on such a feeble excuse?
25. Gerhard and Millington, 23 and 62.
26. Help that was roundly rejected. An American officer reportedly responded to an offer for

assistance with an understandable "Go to hell!" (Limor).

27. NSA, transcript, 8 June 1967 — 1229Z-1244Z: 1.
28. Gerhard and Millington, 29.